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SUNDAY.....DEC. 31, 1911

The Right of Contract.

If the news dispatches are to be
relied upon a railroad has brought
suit to compel its former employees,
who are on strike, to return to work.
It is alleged, according to the re-
ports, that the action of the strikers
is a violation of the Sherman anti-
trust law in that it is a combination
in restraint of trade.

The significant thing about this
proceeding is, not that the railroad
company can really hope to win in a
suit of that kind, for assuredly its
officials have too much intelligence
seriously to adopt such a theory, but
that such a move would even be
considered. It shows the untenable
position of what may be called the
public mind with reference to the
possibility of adjusting all human af-
fairs by law.

It is not difficult for a close
student of the present trend of
thought to arrive at the bottom of
this matter. Old established prin-
ciples of law and business, principles
upon which the government of this
country is founded, and under which
it has prospered as no other country
has ever prospered, are about to be
thrown away as so much rubbish.
And the reason is that the people have
accepted as literal truth the dema-
gogic utterances of a large contingent
of newspapers and publicists.

It seems to The Republican that
it is time to clear away a little brush.
In the language of the Arizona con-
stitution, it is time to get back to
first principles.

Either the contention of the rail-
road men in this proceeding is true
or it is not. And if it is true, then
what has been accepted as law for
the past hundred years and more is
not and never has been the law.

It is about time to remember that
there are such things as contractual
rights and obligations. The right of
contract is a part of the common
law; and more than that, it is a
part of the constitution of the United
States.

When you get at the base of mat-
ters, the right of one man is the
right of all men. A man has the
right to work or not to work, as he
sees fit. It may be an unfortunate
thing if he refuses to work but that
is his business. And all the power
of the government can't make him
work unless through his idleness he
becomes a charge upon the com-
munity.

If a man violates a contract by
quitting work, his employer has a
legal remedy. Just as a man who
has unjustly discharged has a remedy.
But that remedy lies in an action
for damages and not a proceeding in
equity.

An employer may hire a man or a
thousand men or a hundred thousand
men, but there is no law in the world
that he can invoke to keep them at
work against their will.

And of course, the converse of the
proposition is true. There is no law
in the world that can be invoked to
compel an employer to keep men at
work if he doesn't want to do so.

It is well to remember that con-
tracts are mutual. A contract is the
meeting of two or more minds. And
let us not forget that contracts lie
at the base of all rights, all duties,
all obligations, and all law. Our
government itself is a contractual
government. And if the theory of
this railroad company be sustained,
then the constitution of the United
States is not worth the paper it is
written on.

It is true we have adopted a policy
that a dozen years ago would have
been thought untenable. The na-
tional government has assumed and
is exercising powers many able
lawyers yet believe to be beyond its
ken. But The Republican is badly

mistaken if the courts of this coun-
try will go to the extent of striking
down the law as it has been inter-
preted for centuries and will throw
the mantle of equity over practically
every contractual right possessed by
the citizen.

Gifford Pinchot is just now mov-
ing on as low a plane as any man
who is able to get his name and
opinions in the newspapers. A
legatee of the Roosevelt administra-
tion, he was kept in office by Presi-
dent Taft until his insubordination
caused his discharge. Now, he is
attempting to vent his petty spleen
upon the president by abuse and
vilification. The strange part of it
is, not that Pinchot possesses so
small a caliber, but that he managed
so long to hold a government posi-
tion. He is an enigma of littleness,
a rather startling example of a man
who has permitted real ability to be
clouded and nullified by personal
pique at the loss of a salary.

The usual thing resulted yesterday
morning when those street cars tried
to pass each other on the same
track.

La Follette did at least one sensi-
ble thing on his recent trip. He
made a plea for the enfranchisement
of women.

Every wide awake citizen of Phoenix
is shaking hands with himself
because the ornamental lights will
remain on.

More than a thousand pairs of
jackrabbit ears have been left at
the office of the supervisors since
the beginning of the year. There
must have been quite a reunion of
bunnies on the other shore.

Will the attorney-general of the
state of Arizona rely on the Apper-
son Year Book or the Jackrabbit In-
stitutes as his principal authority in
the conduct of his cases?

State solons are asking whether
they will sit or stand at the coming
session of the legislature. Well, if
they don't lie too much it will not
matter.

If the government has the key to
"Postoffice Box 247," the indications
are that it will find some interesting
things inside.

That triangular revolution, which
happens to be located in Ecuador, is
certainly right in the middle of
things.

Those New York peace advocates
don't seem to be the kind who are
disposed to turn the other cheek.

TWO HEAD-ON
COLLISIONS
SEVEN HURT

Simultaneous and Similar
Accidents on Phoenix
Street Railway
System.

SURPRISING THAT
NONE WERE KILLED

Fog Almost Unprecedented
in This Section Confused
Motorman and Caused
the Trouble.

CLARENCE GALLAGHER—
Motorman on Washington street
car, right leg broken above knee.
ORMOND DEAN—Motorman,
cut by flying glass.

R. A. BENTLEY—Barber, spine
hurt.
G. L. JOHNSON—Back hurt,
cut on face and hands.

R. N. MOUTER—City ticket
agent of the Santa Fe, right
thumb broken, hurt on back and
knee.

MISS WESTPHAL—Injured
internally.
FOSTER—Right hand
hurt.

The unusual and dense fog that
hung over Phoenix yesterday morning,
was chiefly responsible for two street
car collisions that occurred almost
simultaneously, injuring seven persons
and badly shaking up several others.
Two of the injured were motormen,
the other five being passengers. That
there were no fatalities is as remark-
able as it was fortunate.

One of the collisions was on Wash-
ington street between Fourth and
Fifth, between a Washington street
car and a Grand avenue car. Clarence
Gallagher, motorman on the Wash-
ington street car was the only person
injured though others on the car were
severely shaken. The other accident
occurred just north of Van Buren
street. As an Indian school car north
bound, was leaving the bridge over
the town ditch it ran into a well-
filled south bound car from the Brill

STATE OF OHIO CITY OF TOLEDO,
LUCAS COUNTY.
FRANK J. CHENEY makes oath that he is a
partner of the firm of F. J. CHENEY & CO., doing
business in the City of Toledo, County and State
aforesaid, and that said firm will pay the sum of
ONE HUNDRED DOLLARS for each and every
case of CATARRH that cannot be cured by the use of
HALL'S CATARRH CURE.

FRANK J. CHENEY.
Sworn to before me and subscribed in my presence,
this 6th day of December, A. D. 1911.
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Notary Public.
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directly upon the blood and mucous surfaces on the
system. Send for testimonials, free.
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Take Hall's Family Pills for constipation.

line. It was here that the other
motorman, Ormond Dean, and the pas-
sengers, were hurt.

Some mistaking of schedule evi-
dently occurred in both instances, that
ordinarily would have worked no harm
when the motormen could look ahead
but yesterday morning was one of the
few times in the history of Phoenix
that one could see but a few yards
ahead of him. The Brill street car
should have waited on the Brill track
at Pierce, it is said, until the Indian
school car north bound had passed
that point giving the Brill car a clear
right of way into town. The car did
in fact wait a little while when the
motorman proceeded evidently think-
ing the Indian car had gone by. They
came together midway between that
junction point and the south end of
the line at First and Washington.

As soon as possible news of the ac-
cident was telephoned to Manager
Mitchell of the railway company. It
was then about 8 o'clock in the morn-
ing and Mr. Mitchell came tearing
down town in his automobile as fast
as he could do so safely and arrived
on Washington street in front of the
residence of Col. J. H. McClintock be-
tween Fourth and Fifth streets, just
in time to see the second collision.
Motorman Gallagher was seen to fly
up in the air and one down again
dropping a leg through a hole in the
platform of one of the colliding cars.
As the cars jumped back in the re-
bound his leg was broken.

Mr. McClintock ran into the street
and Mr. Mitchell asked him to tele-
phone the power station to turn off
the current, which he did. Mr. Mit-
chell next arranged for the transfer of
the injured motorman to the hospi-
tal as quickly as possible. Gallagher
was found to have broken his right
leg above the knee and to have sus-
tained other bruises. There were
some others on the car but none were
hurt materially.

Mr. Mitchell then proceeded to the
scene of the other accident and took
charge of the situation. Ormond Dean
the motorman of the Indian car suf-
fered from broken flying glass but
not seriously.

Robert Bentley, a barber, was prob-
ably the most seriously hurt. He was
thrown on his side in a seat and badly
bruised. He was taken first to the
office of Dr. Sargent where he was
given temporary attention and re-
moved to his home. It is feared he
may have suffered the injury of his
spine.

R. N. Mouter, city ticket agent of
the Santa Fe, was severely injured.
The extent of his trouble not being
yet fully determined. He was thrown
to one side of the wreckage and lay
in a dazed condition for a few min-
utes. He suffered the dislocation of
his right thumb the injury of one
knee and the bruising of his back. It
is not thought the latter will prove
serious.

G. L. Johnson was hurt in the back
and cut in the face and hands. A
Miss Westphal was injured internally
but it is thought not seriously and
a man named Foster is said to have
hurt his right hand.

A peculiar feature of the events
was that in both instances a little but
firmly built car practically telescoped
or crawled up over a larger car which
it bumped into, though the reason
for it was plainly seen. The larger
cars are of very old style and low
built while the smaller cars hung to-
gether like a battering ram and easily
crashed through the ends of the older
and larger ones. The smaller cars
are higher built so their front plat-
forms buckled over the lower plat-
forms of the larger cars.

YUAN SHI KAI LOOKING
FOR INFORMATION

(Continued from Page One.)

to cable advices received tonight by
representative Chinese of the six com-
panies, for the provisional government
at Nanking: Premier Gen. Li Yung
Heng; Department of War, Wong
Hing; Interior, Tong Tai Long; Navy,
Admiral Sah Shen Ping; Foreign Af-
fairs, Wu Ting Fang; Colonial, Fung
Chi Yoe; Finance, Chin Chin Pao; Ag-
riculture, Chung Chin; Education,
Ping Pong Yee; Attorney General, Sow
Gow Yin; Chief Advisor, Chung Tai
Yuen; Assistant Advisor, Wong Moo.
Ah Fung See.

Dr. Sun Yat Sen is speeding toward
Nanking from Shanghai. It is expected
that immediately upon his arrival the
tentative cabinet will be made actual.

TAFT'S TALK AT THE
GREAT PEACE DINNER

(Continued from Page One.)

Washington was a disappointment in
size, as none of the foreign ambas-
sadors or diplomats who accepted in-
vitations came. It is explained con-
cerning the almost universal with-
drawal of acceptances by these guests
that some of the declarations only
arrived late today or by telegraph.
The discussion of the purpose of
the dinner, whether it was definitely
to endorse the pending arbitration
treaties, was also revived, with a
declaration by Congressman Richard
Bartholdt of Missouri that he in-
tended staying away, when told the
endorsement of the treaties was to
be "sidetracked," but decided to come
when advised by the committee "that
the purpose of the dinner had not

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been changed." Further contribution
to the discussion was also made by
Col. Theodore Roosevelt, about whose
attitude toward the function the con-
troversy centered.

President Taft, in contrast with the
conditions attending his visit here a
fortnight ago, is plentifully guarded
tonight. Besides half a dozen Pen-
sylvania railroad detectives and an
equal number of secret service men
who escorted him from the train,
four motorcycle policemen and as
many city detectives are in waiting.
A committee from the dinner man-
agement met Mr. Taft at the ter-
minal, and headed by the bicycle of-
ficials and a procession of autos con-
taining the party, proceeded to the
hotel.

Among those at the table with the
president were the speakers of the
evening, Andrew Carnegie, Oscar S.
Straus, former ambassador to Tur-
key; Former United States Senator
Charles A. Towner; Henry Clegg, with
Mississippi; Bishop David H. Greer of Mis-
sissippi; Episcopal church; Raoul Dandurand, chairman of the
international parliamentary group of
the Canadian parliament; United
States Senator O'Gorman of New
York.

Toastmaster John Temple Graves
said, in presenting the speaker of the
evening:

"I present to you William Howard
Taft, the great peace president of
the republic's life."

SCISSORED WIT

THE HARDER TASK.

Senator Root at a luncheon at a
Washington country club, said of war:
"Our arbitration treaties come none
too soon. The world is getting tired
of war. This fact was well brought
home to me the other day by the re-
mark of an English diplomat."
He said that at the end of the Boer
War two Unionists were wrangling at
a dinner.

"I said the first Unionist, a lieuten-
ant of counters, I went to the war
and defended my country."
"Pshaw, what of that?" the other
retorted. "I stayed in my country and
defended the war!"—St. Louis Globe-
Democrat.

IN A DILEMMA.

Prominent among the smart set of
Cincinnati is a young wife whose nu-
merous social duties occupy such a
large part of her time that she has
little to spare for her children.

"Not long ago one of the youngsters
became ill and the mother hastily sum-
moned the family physician. She
greeted him at the door thus:

"I am sure it's nothing serious, doc-
tor, but really I wish you would find
out what is the matter with Gladys.
The French maid left this morning,
and there's not a soul in the house
that can understand what she says."
—New York Herald.

WHY IT WAS.

Two young employees of a florist,
who are supposed to be variously em-
ployed in the rear of the establishment
while the boss looks after the things
in the front, were recently startled by
the appearance of the "old man" while
they were engrossed in a game of
checkers.

The proprietor was justly indignant.
"How is it?" he demanded, "that I
hardly ever find you fellows at work
when I come out here?"
"I know," volunteered one of the
youths, "it's on account of those rub-
ber heels you wear."

WELL PUT.

Senator John Sharp Williams tells of
an aged negro preacher in Mississippi
who was asked what he thought of his
two sons, both preachers, too.
"Well, sah," replied the old man,
"George has a better show in his shop
winder dan John; but den John he's
got a larger stock in his warehouse."
—New York Herald.

NOT ALWAYS.

"Does death end all?" asked the so-
lemn boarder.
"Not for a week or son in case of a
turkey," answered the cheerful board-
er.—Pittsburgh Post.

JUST THE TIME.

"I've had a terrible day at the office,
and I'm mad clear through," announ-
ced the husband, coming home.
"Now would be a good time to beat
the rugs," replied the wife.—Cleveland
Plain Dealer.

NOT A FINANCIER

Mr. Exc—What! Another new
dress? Perhaps you will tell me,
madam, how I shall get the money
to pay for it.

Mrs. Exc—You must excuse me. I
am your wife, not your financial ad-
viser.—Boston Transcript.

THE SORT

MR. GARFIELD'S DEFEAT.

One of the significant features of
Ohio's "off year" election, which seems
to have been overlooked in the rush of
other matters, was the defeat of Jas.
Rudolph Garfield for constitutional
convention delegate from Lake county.
Mr. Garfield, as Roosevelt's secretary
of the interior, unwittingly bestowed
the immunity bath on the great un-
washed packers of Chicago and then

became a "radical progressive." At
the Chicago conference he was sup-
posed to be peculiarly the representa-
tive of Oyster Bay's most famous resi-
dent, and on more than one occasion
he has been quoted as giving vent to
utterances which indicated that Presi-
dent Taft's course does not entirely
meet with his approval. * * * Evident-
ly his neighbors and townsmen take
little stock in the promises and protes-
tations of Mr. Garfield. They realize
that the La Follette movement is a
step in the direction of party disinte-
gration rather than toward construc-
tive statesmanship. They know that
President Taft has done more than
any President since the war to re-
establish the rule of the people.—Cin-
cinnati Commercial Tribune.

RUBBER FROM THE OSAGE
ORANGE.

Experiments made by Prof. H. W.
Emerson and C. L. Rose, at the Uni-
versity of Kansas, demonstrates that
the Osage orange will yield a product
that may be mixed with rubber to im-
prove its quality, or may be used in
place of rubber. The milky substance
exuding from the hedge balls is what
the chemists have worked on. Rubber
is obtained as a milky substance from
the rubber trees of the tropics.

The Osage orange is said to be a
native of Arizona and by others to be
a native of the region that was in-
habited by the Osage Indians, which
included part of the present state of
Arkansas. It is also called bowwood,
because its fine grain and elastic
property caused it to be employed by
the Southern Indians for bows. It is
easily cultivated and propagated. The
bark yields a strong fiber of a flaxy
character, and the bark of the root is
used to make a yellow dye.

UNDER A CLOUD.

Gov. Vardaman seems to be going
into the senate under a cloud. What
a shock it must be to the galleries
that so often applauded his grand-
stand acts of honesty and courage to
hear that the attorney general of his
own state of Mississippi has brought
suit to compel Vardaman to make an
accounting of several thousand dol-
lars of state money. It is intimated
that Vardaman padded some of his
jacket and expense bills, and that he
did not keep his personal deposits di-
vorced from certain state funds in
the bank.

This circumstance might pass almost
unnoticed were it not for the fierce
show of self-righteousness Vardaman
always made. It was the town-
smen that he beat while governor and dur-
ing his spectacular campaign for sen-
ator. Of course, he may not have
done anything radically wrong; he
may be able to satisfy the attorney
general when the time comes, but it is
strange that, if that be the case, the
attorney general should be so poorly
informed of the facts as to feel under
necessity of going to the trouble of
bringing suit to get an explanation.

A FASHIONABLE CHURCH.

"Going to have a Christmas celebra-
tion at your church?"

AT BEDTIME.

Little Girl—What'd you get for
Christmas?
Little Boy—A lot of toys, an engine,
whole lots of condy nuts an' cake, an'
a dose of castor oil.—Judge.

SOMETIMES.

"Does the office ever really seek the
man?"
"Well, yes; sometimes. For instance,
when the cashier skips to Canada."
—Washington Herald.

So far as Persia is concerned, the
famous Russian bear looks more like
a hog.

RAILWAY TIME TABLE

ARIZONA EASTERN.
(City Time.)

Arrive.
8:15 a. m. from Los Angeles and East
8:40 a. m. from Mesa and Tempe
2:05 p. m. from Mesa and Tempe
4:45 p. m. from Los Angeles and East
5:25 p. m. from Wilkman
10:49 p. m. from Chicago, Kansas City
and St. Louis.
Departure.
8:15 a. m. for Tempe, Mesa and
Wilkman.
11:00 a. m. for Tempe and Mesa
1:00 p. m. for Tucson, El Paso
and Mexican points.
6:00 p. m. for Los Angeles Coast Flyer
6:15 p. m. for Tempe and Mesa
7:45 p. m. for Chicago, Kansas City,
New Orleans and Los Angeles.
BUCKEYE LINE.
Arrive 3:29 p. m. Depart 11:30 a. m.
(City Time.)

7:05 a. m. from Los Angeles and West
8:50 a. m. from Ash Fork, Chicago
and East.
10:45 p. m. from Ash Fork, Chicago
and East.
Departure.
7:45 a. m. for Ash Fork, Chicago
and East.
7:30 p. m. from Los Angeles and West
8:50 p. m. from Ash Fork, Chicago
and East.

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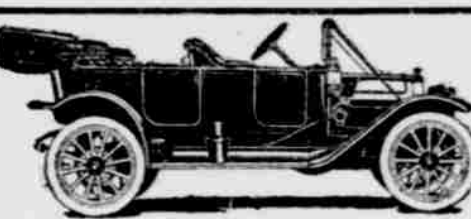
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Home-made bakery. Private room for
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Elimination of the weekly wash
day will be one of the greatest
steps toward an improvement
you can make.

Try sending your laundry to
us. You may think it costs
more, but if you figure cost
of fuel, soap and all the in-
convenience, you will vote for
us. Ask us about flat work
prices.

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A product of the Arizona desert,
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